

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:05cv87**

<b>CARLIE BOWLING,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER OF REMAND TO STATE COURT</b>
	)	
<b>MARGARET R. PARDEE MEMORIAL HOSPITAL,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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**THIS MATTER** is before the court on plaintiff's Motion to Remand. Having considered plaintiff's motion and reviewed the pleadings, and it appearing that defendant consents, the court enters the following Order.

**ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiff's Motion to Remand is **GRANTED**, and

- (1) in accordance with 28, United States Code, Section 1447(c), this action is **REMANDED** to the North Carolina General Court of Justice, Superior Court Division, Henderson County, for disposition;
- (2) inasmuch as defendant filed its responsive pleading (a motion to dismiss) in this court, the Clerk of this Court is respectfully instructed to certify a copy of such responsive pleading to the state court and, in his discretion, tax the cost of such certification to the defendant (if such certification results in a substantial cost to the Clerk); and
- (2) the Clerk of this Court is respectfully instructed to **NOT** withhold the

execution of this Order for 10 days, inasmuch as defendant has consented to remand and waived the 10 day review period.

**Signed: May 23, 2005**

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

